

General Permit
Rhode Island Pollutant Discharge Elimination System
Storm Water Discharge Associated
with Industrial Activity
(excluding Construction Activity)



March 2003

Valid ONLY in accordance with Part I.C.

Expiration Date: March 19, 2004

Rhode Island Department of Environmental Management
Office of Water Resources
Permitting Section
RIPDES Program

GENERAL PERMIT
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY
(Revised 1/03)

PLEASE READ THIS PERMIT CAREFULLY!

To require coverage under this permit, two conditions must be met. The first is that the facility must meet at least one of the conditions in the definition of "storm water discharge associated with industrial activity" (see RIPDES Rule 31.b.15.). The second is that the discharge of storm water associated with industrial activity must be a point source (see RIPDES Rule 3 for the definition of a point source), which discharges directly to a surface water body and/or a separate storm sewer system. If both of these conditions are met, then your facility needs to seek coverage under this permit or an individual or alternative general permit.

I. GENERAL COVERAGE UNDER THIS PERMIT

- A. Permit Coverage. This permit may cover all areas of the State of Rhode Island.
- B. Eligibility
1. Except storm water discharges identified under Part I.B.3., this permit may cover all new and existing discharges composed entirely of storm water discharges associated with industrial activity, as defined in RIPDES Rule 31.b.15. A discharge shall be considered being composed entirely of storm water if there is adequate access to sample the storm water discharge covered under this permit prior to mixing with a non-storm water discharge, which is authorized and in compliance with an existing RIPDES permit.
 2. Allowable Non-Storm Water Discharges. Allowable non-storm water discharges under this permit are limited to the following: discharges from fire fighting activities; fire hydrant flushings; external building washdown that does not use detergents; lawn watering; uncontaminated ground water; springs; air conditioning condensate; potable waterline flushings; irrigation drainage; and foundation or footing drains where flows are not contaminated with process materials, such as solvents, or contaminated by contact with soils, where spills or leaks of toxic or hazardous materials has occurred. If any of these discharges may reasonably be expected to be present and to be mixed with storm water discharges, they must be specifically identified and addressed in the facility's Storm Water Pollution Prevention Plan.
 3. Limitations on Coverage. The following storm water discharges associated with industrial activity are not authorized by this permit:
 - a. Storm water discharges associated with industrial activity from facilities with existing effluent guideline limitations for storm water under 40 CFR Subchapter N;
 - b. Storm water discharges associated with industrial activity from facilities with an existing RIPDES individual or general permit for storm water discharge(s) or which are issued a permit in accordance with Part V.T. of this permit;
 - c. Storm water discharges associated with industrial activity that the Director of the Department of Environmental Management has found to be or may reasonably be expected to be contributing to a violation of water quality standards;
 - d. Storm water discharges associated with construction activity including; but not limited to; clearing, grading, excavation, and filling; where total land distur-

bance is equal to or greater than five (5) acres, and where storm water runoff discharges into the waters of the State; and

- e. Storm water discharges associated with industrial activity that may adversely affect a listed, or a proposed to be listed, endangered or threatened species or its critical habitat.
- C. Authorization. To be covered under this general permit, owners or operators of storm water discharges associated with industrial activity must submit to the Director a standardized Notice of Intent (NOI) form by certified mail, or hand delivery, in accordance with the requirements of Part III of this permit. Upon review of the NOI, the Director may deny coverage under this permit at any time and require submittal of an application for an individual or an alternative general permit.
- 1. *Deadlines for Requesting Authorization.* Individuals who intend to obtain coverage under this general permit for a facility authorized under the general permit issued in March 1998, shall submit an NOI by April 19, 2003. For discharges of storm water associated with industrial activity which commence after the effective date of this permit, the NOI must be submitted ninety (90) days prior to the commencement of such discharge.
 - 2. *Granting of Authorization.* Facilities discharging stormwater associated with industrial activity which were authorized under the general permit issued in March 1998, that have submitted a complete NOI by April 19, 2003 shall be automatically granted authorization to discharge on the effective date of this permit, provided they have submitted a complete NOI. Unless notified by the Director to the contrary, owners or operators who submit such notification are authorized to discharge under the terms and conditions of this permit. For all storm water discharges associated with industrial activity which commence after the effective date of this permit, authorization will be granted ninety (90) days after the submittal of a complete NOI, unless otherwise notified by the Director in writing. Regardless of whether the NOI was actually reviewed by this department, or it became approved because of this department's failure to act within ninety (90) days, the permittee is still responsible for upholding all permit conditions and any other applicable state or Federal regulations.
- D. Termination of Coverage. Owners and/or operators of facilities must notify the Director in writing when discharge(s) of storm water associated with industrial activity no longer occurs at the facility. At that point, coverage under this permit is terminated. At a minimum, the following information is required to terminate coverage under this permit:
- 1. Owner's name, mailing address, and telephone number;
 - 2. Operator's name, mailing address, and telephone number;
 - 3. Name and location of the facility;
 - 4. RIPDES storm water permit number; and
 - 5. Certification that storm water discharge associated with industrial activity no longer takes place on-site.
- E. Failure to Notify. Owners or operators, who fail to notify the Director of their intent to be covered under a general permit and discharge storm water associated with industrial activity to waters of the State or to a separate storm sewer system without an individual or group RIPDES permit, are in violation of Chapter 46-12 of the Rhode Island General Laws and the Clean Water Act and may be subject to legal action.

II. PERMIT CONDITIONS

A. Storm Water Pollution Prevention Plan

1. *Facilities that Discharge Storm Water Associated with Industrial Activity which were Authorized to discharge under the Previous (1998) General Permit and are Seeking Coverage under this General Permit must:*
 - a. Upon approval to discharge under this general permit, continue to comply with the Storm Water Pollution Prevention Plan developed under conditions of the general permit issued in March 1998, amended as appropriate (see Part IV.D.).
2. *Facilities that Commence to Discharge Storm Water Associated with Industrial Activity After the Effective Date of this Permit must:*
 - a. Submit the Storm Water Pollution Prevention Plan, as described in Part IV of this permit, as part of the NOI.
 - b. Comply with the Storm Water Pollution Prevention Plan upon the date of authorization to discharge.

B. Monitoring Requirements

1. *Class I Facilities*

a. List of Facilities Covered

1. SARA Title III, Section 313 Facilities; which release "Section 313 water priority chemicals" into the environment;
2. Primary Metal Industries (SIC 33);
3. Landfills, Land Application Sites, and Open Dumps;
4. Hazardous Waste Treatment, Storage, or Disposal Facilities;
5. Wood Treatment Industry (SIC 2491);
6. Coal Pile Runoff; and
7. Battery Redemption Sites.

b. List of Parameters to be Analyzed

1. *SARA Title III, Section 313 Facilities; which release "Section 313 water priority chemicals" into the environment.* In addition to any monitoring requirements stated in Parts II.B.1-4 of this permit, facilities with storm water discharges associated with industrial activity that are SARA Title III, Section 313 for chemicals which are classified as "Section 313 water priority chemicals" are required to monitor storm water that is discharged from the facility that comes into contact with any equipment, tank, container, vessel, or storage area used for "Section 313 water priority chemical" for: oil and grease; five day biological oxygen demand (BOD₅); total suspended solids (TSS); total kjeldahl nitrogen (TKN); total phosphorous; pH; any pollutants listed in Tables II and III of Appendix D of 40 CFR 122, if the discharger knows or has reason to believe are present at the facility; and any "Section 313 water priority chemical" for which the facility is subject to reporting requirements under the Emergency Planning and Community Right to Know Act (EPCRA) of 1986. Base the determination that a pollutant is present at the facility on your knowledge of the raw materials, material management practices, maintenance chemicals, history of spills and releases, intermediate and final products and by-products, and any previous analyses known of the effluent or similar effluent.

2. *Primary Metal Industries (SIC 33).* Facilities with storm water discharges associated with industrial activity classified as a Primary Metal Industry (SIC 33) are required to monitor storm water that is discharged from the facility for: oil and grease; five day biological oxygen demand (BOD₅); total suspended solids (TSS); pH; total recoverable lead; total recoverable cadmium; total recoverable copper; total recoverable arsenic; total recoverable chromium; any pollutants listed in Tables II and III of Appendix D of 40 CFR 122, if the discharger knows or has reason to believe are present at the facility; and any pollutant limited in an effluent guideline to which a facility is subject. Base the determination that a pollutant is present at the facility on your knowledge of the raw materials, material management practices, maintenance chemicals, history of spills and releases, intermediate and final products and byproducts, and any previous analyses known of the effluent or similar effluent.
3. *Landfills, Land Application Sites, and Open Dumps.* Facilities with storm water discharges associated with industrial activity from any active or inactive landfill, land application site, or open dump without a stabilized final cover that has received any industrial wastes are required to monitor such storm water that is discharged from the facility for: total recoverable magnesium; dissolved magnesium; total kjeldahl nitrogen (TKN); five day biological oxygen demand (BOD₅); total dissolved solids; total organic carbon (TOC); oil and grease; pH; total recoverable arsenic; total recoverable barium; total recoverable cadmium; total recoverable chromium; total recoverable cyanide; total recoverable lead; total mercury; total recoverable selenium; total recoverable silver; and any pollutants listed in Tables II and III of Appendix D of 40 CFR 122, if the discharger knows or has reason to believe are present at the facility. Base the determination that a pollutant is present at the facility on your knowledge of the raw materials, material management practices, maintenance chemicals, history of spills and releases, intermediate and final products and byproducts, and any previous analyses known of the effluent or similar effluent.
4. *Hazardous Waste Treatment, Storage, or Disposal Facilities.* Facilities with storm water discharges associated with industrial activity from hazardous waste treatment, storage, or disposal facilities are required to monitor storm water that is discharged from the facility for: total recoverable magnesium; dissolved magnesium; total kjeldahl nitrogen (TKN); five day biological oxygen demand (BOD₅); total dissolved solids; total organic carbon (TOC); oil and grease; pH; total recoverable arsenic; total recoverable barium; total recoverable cadmium; total recoverable chromium; total recoverable cyanide; total recoverable lead; total mercury; total recoverable selenium; total recoverable silver; and any pollutants listed in Tables II and III of Appendix D of 40 CFR 122, if the discharger knows or has reason to believe are present at the facility. Base the determination that a pollutant is present at the facility on your knowledge of the raw materials, material management practices, maintenance chemicals, history of spills and releases, intermediate and final products and byproducts, and any previous analyses known of the effluent or similar effluent.

5. *Wood Treatment Industry (SIC 2491).* Facilities with storm water discharges associated with industrial activity classified as a Wood Treatment Industry (SIC 2491) are required to monitor storm water that is discharged from the facility for: oil and grease, five day biological oxygen demand (BOD₅), total suspended solids (TSS), and pH. In addition, any facility using chlorophenolic formulations must monitor for pentachlorophenol and any pollutants listed in Tables II and III of Appendix D of 40 CFR 122, if the discharger knows or has reason to believe are present at the facility; using creosote formulations must monitor for any pollutants listed in Tables II and III of Appendix D of 40 CFR 122, if the discharger knows or has reason to believe are present at the facility; or using chromium-arsenic formulations must monitor for total recoverable arsenic, total recoverable chromium, and total recoverable copper. Base the determination that a pollutant is present at the facility on your knowledge of the raw materials, material management practices, maintenance chemicals, history of spills and releases, intermediate and final products and by-products, and any previous analyses known of the effluent or similar effluent.
 6. *Coal Pile Runoff.* Facilities with storm water discharges associated with industrial activity from coal pile runoff are required to monitor storm water for: oil and grease, pH, total suspended solids (TSS), total recoverable copper, total recoverable nickel, and total recoverable zinc. Storm water runoff from coal piles has numeric effluent limitations as follows: pH of 6.0 - 9.0 and a TSS of 50 mg/l.
 7. *Battery Redemption Sites.* Facilities with storm water discharges associated with industrial activity that reclaim lead acid batteries are required to monitor storm water for: oil and grease, five day biological oxygen demand (BOD₅), total suspended solids (TSS), pH, total recoverable copper, and total recoverable lead.
- c. List of Sampling and Reporting Requirements. Class I Facilities must sample and analyze for all parameters listed above semi-annually, according to the requirements of Part II.B.5. of this permit. This data is to be properly recorded on a Discharge Monitoring Report (DMR), which can be obtained from this office, and submitted to this department at the address listed in Part III.B of this permit. In addition, the permittee must provide the date and duration (hours) of the storm event sampled, the total depth of rainfall (inches), and the total volume of runoff (Ft³). These reports are due on January 15 and July 15, respectively, for sampling conducted during the previous six (6) calendar months.

2. *Class II Facilities*

- a. List of Facilities Covered
1. Airports with greater than 50,000 flights per year;
 2. Coal Fired Steam Electric Plants;
 3. Animal handling areas, manure management or storage areas, and production waste or storage areas in Meat Packing Plants (SIC 2011), Poultry Slaughtering and Processing (SIC 2015), and Animal and Marine Fats and Oils (SIC 2077); where there is exposure to precipitation;
 4. Chemicals and Allied Products (SIC 28) and Rubber and Miscellaneous Plastic Products (SIC 30); where solid chemicals, used as raw materials, are exposed to precipitation;

5. Auto Salvage Yards;
6. Oil handling areas at Oil Fired Steam Electric Plants;
7. Cement Manufactures (SIC 3241);
8. Ready-Mix Concrete Plants (SIC 3273);
9. Ship Building and Repairing (SIC 3731); and
10. Lime storage piles at Lime Manufacturing Facilities.

b. List of Parameters to be Analyzed

1. *Airports with greater than 50,000 flights per year.* Facilities with storm water discharge associated with industrial activity from areas where aircraft or airport deicing operations occur are required to monitor storm water for: oil and grease, pH, five day biological oxygen demand (BOD₅), total suspended solids, and the primary ingredient in the deicing material used at the site (ie, ethylene glycol, urea, etc.)
2. *Coal Fired Steam Electric Plants.* Facilities with storm water discharges associated with industrial activity from coal handling sites at coal fired steam electric generating plants are required to monitor storm water for: oil and grease, pH, total suspended solids (TSS), total recoverable nickel, and total recoverable zinc.
3. *Animal Handling and Meat Packing.* Facilities with storm water discharges associated with industrial activity from animal handling areas, manure management or storage areas, and production waste or storage areas in Meat Packing Plants (SIC 2011), Poultry Slaughtering and Processing (SIC 2015), and Animal and Marine Fats and Oils (SIC 2077), where there is exposure to precipitation, must monitor storm water for: oil and grease; five day biological oxygen demand (BOD₅); total suspended solids (TSS); total kjeldahl nitrogen (TKN); total phosphorous; pH; and fecal coliform.
4. *Additional Facilities.* Facilities with storm water discharge associated with industrial activity that are classified as:
 - i. Chemicals and Allied Products (SIC 28) and Rubber and Miscellaneous Plastic Products (SIC 30); where solid chemicals, used as raw materials, are exposed to precipitation;
 - ii. Auto Salvage Yards;
 - iii. Oil handling areas at Oil Fired Steam Electric Plants;
 - iv. Cement Manufactures (SIC 3241);
 - v. Ready-Mix Plants (SIC 3273);
 - vi. Ship Building and Repairing (SIC 3731); and
 - vii. Lime storage piles at Lime Manufacturing Facilities must monitor storm water for: oil and grease, five day biological oxygen demand (BOD₅), total suspended solids (TSS), pH, and any pollutant limited in an effluent guideline to which a facility is subject.

- c. List of Sampling and Reporting Requirements. Facilities must sample and analyze for all parameters listed above annually, according to the requirements of Part II.B.5. of this permit. This data is to be properly recorded on a Discharge Monitoring Report (DMR), which can be obtained from this office, and submitted to this department at the address listed in Part III.B of this permit. In addition, the permittee must provide the date and duration (hours) of the storm event sampled, the total depth of rainfall (inches), and the total volume of runoff (ft³). This report is due on January 15 for sampling

conducted during the previous calendar year.

3. *Class III Facilities.* Class III facilities include all other applicable facilities (as defined in RIPDES Rule 31.b.15.), which are not specifically mentioned as being part of Class I or Class II. These facilities are not required to conduct any sampling or analysis for specific parameters, however, they must perform annual inspections of all storm water control measures, according to the requirements of Part II.B.4. of this permit.
4. *Comprehensive Site Evaluation.* At a minimum, all facilities that discharge storm water associated with industrial activity must perform annual site inspections. These annual inspections must be performed in accordance with Part IV.E.3. of this permit to evaluate the effectiveness of the Storm Water Pollution Prevention Plan. The results of these inspections must be properly recorded and maintained on site for a period of five (5) years. A detailed report must be developed summarizing the scope of the inspection, personnel making the inspection, major observations related to the implementation of the Storm Water Pollution Prevention Plan, and any actions taken to amend the Plan in accordance with observations made from inspections. The report must identify any incidents of non-compliance and be certified in accordance with Part V.G. of this permit.
5. *Sample Type.* All samples must be collected from a discharge(s) resulting from a representative storm event that occurs at least seventy two (72) hours from the previous measurable storm event, which is 0.1 inches per twenty four (24) hours in magnitude. A representative storm event should be within 50% of the average storm event in Rhode Island for both depth and duration, but in no case less than 0.1 inches per twenty four (24) hours in magnitude. The average storm event in Rhode Island is 0.7 inches in depth and 12 hours in duration.
 - a. For discharges from holding ponds or other impoundments with a retention period of greater than twenty four (24) hours (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the twenty four (24) hours previous to the time that the sample is collected), a minimum of one (1) grab sample may be taken. For all other discharges, data shall be reported for both grab samples and composite samples. A grab sample consists of an individual sample of at least 100 milliliters collected during the first thirty (30) minutes of the discharge. This sample is to be analyzed separately from the composite sample. If the collection of a grab sample during the first thirty (30) minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty (30) minutes was impracticable. The composite sample shall either be flow-weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three (3) sample aliquots taken during the first three (3) hours of discharge, or the entire discharge if it is less than three (3) hours, with each aliquot being at least 100 milliliters and collected with at least fifteen (15) minutes apart.
 - b. For pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, and fecal coliform, grab samples taken during the first thirty (30) minutes of the discharge can only be used. Composite samples are not required for these parameters. For all other pollutants both a grab sample collected during the first thirty (30) minutes of the discharge and a composite sample must be analyzed. An EPA sampling guidance manual can be obtained from the EPA Storm Water Hotline at (703) 821-4823 or the National Technical Information Service at (703) 487-4650.
 - c. Standard test methods promulgated in 40 CFR 136 must be used to conduct

analyses. However, if no standard method has been promulgated for a particular pollutant, then any suitable method for measuring the level of the pollutant in the discharge may be used, provided that a description of the method or a reference to a published method is included. The description should include the sample holding time, preservation techniques, and the quality control measures that were used.

6. *Sampling Waiver.* When a discharge is unable to collect samples due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel or otherwise make the collection of a sample impracticable. Dischargers are precluded from exercising this waiver more than once during a two (2) year period.
 7. *Representative Discharge.* When a facility has two or more outfalls that the permittee reasonably believes discharge substantially identical effluent (based on a consideration of features and activities within the area drained by the outfall); the permittee may submit a request to DEM to test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s). In addition, for each outfall that the permittee believes is representative, an estimate of the total drainage area (Ft²) and an estimate of the runoff coefficient must be provided.
- C. Failure to meet the monitoring requirements under this part of this permit constitutes a violation of Chapter 46-12 of Rhode Island General Laws and the Clean Water Act; and may be subject to legal action.

III. NOTICE OF INTENT REQUIREMENTS

A. Contents of Notice of Intent

1. The owner's name, mailing address, telephone number, ownership status, and status as a Federal, State, private, public, or other entity;
2. The operator's name, address, telephone number, ownership status and status as a Federal, State, private, public or other entity;
3. Up to four (4) digit SIC code that best represents the principal products or activities provided by the facility;
4. The location of the facility, including the latitude and longitude of the approximate center of the facility to the nearest 15 seconds, for which the NOI is being submitted;
5. The name of the receiving water(s) or if the discharge is through a municipal separate storm sewer, the name of the operator of the storm sewer system and the ultimate receiving water(s);
6. Existing quantitative data describing the concentration of pollutants in storm water discharges;
7. A brief description of the site including: the total acreage of the site, total acreage of impervious surface, the runoff coefficient, and a description of existing storm water management controls;
8. An identification of the appropriate monitoring classification;
9. A list of any pollutants limited in effluent guidelines to which a facility is subject under

40 CFR Subchapter N, any pollutants listed on a RIPDES permit to discharge process waste water, and any information required under RIPDES Rule 11.02(a)(14)(iii)-(v) or 40 CFR 122.21(g)(iii)-(v);

10. For discharges of storm water associated with industrial activity which commence after the effective date of this permit, the Storm Water Pollution Prevention Plan must be submitted as part of the NOI; and
11. Additional information may be required by this division to be included as part of the NOI, if the Director determines that such information is reasonably necessary to determine whether or not to authorize the discharge under this permit.

- B. Where to Submit. A completed and signed NOI, in accordance with Part V.G., must be submitted to:

R.I. Department of Environmental Management
Office of Water Resources
Permits Section
235 Promenade Street
Providence, RI 02908

- C. Deficient NOI. If any portion of the NOI does not meet one or more of the minimum requirements of this part, than the applicant will be notified by a deficiency letter at any point within the review period. It is the responsibility of the applicant to make all required changes and resubmit the NOI. The review period will recommence upon the received submittal date of the revised NOI.

IV. STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

- A. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed for each facility covered by this permit. The SWPPP shall be prepared in accordance with good engineering practices and identify potential sources of pollutants, which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the Plan shall describe and ensure the implementation of Best Management Practices (BMPs) which are to be used to reduce or eliminate the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.
- B. The Plan shall be signed by the owner and operator in accordance with Part V.G. of this permit and retained on-site for at least five (5) years. Owners or operators of a facility with storm water discharges covered by this permit shall make plans available upon request to the Director or in the case of a storm water discharge associated with industrial activity, which discharges through a municipal separate storm sewer system with a RIPDES storm water permit, to the wastewater authority having jurisdiction for the sewerage system.
1. *Facilities that Discharge Storm Water Associated with Industrial Activity which were Authorized to discharge under the Previous (1998) General Permit and are Seeking Coverage under this General Permit must:*
 - a. Upon approval to discharge under this general permit, continue to comply with the Storm Water Pollution Prevention Plan developed under conditions of the general permit issued in March 1998, amended as appropriate (see Part IV.D.).
 2. *Facilities that Commence to Discharge Storm Water Associated with Industrial Activity After the Effective Date of this Permit must:*
 - a. Submit the Storm Water Pollution Prevention Plan, as described in Part IV of this permit, as part of the NOI.
 - b. Comply with the Storm Water Pollution Prevention Plan upon the date of

authorization to discharge.

- C. If the Plan is reviewed by the Director, he or she may notify the permittee at any time that the Plan does not meet one or more of the minimum requirements of this part. After such notification from the Director, the permittee shall make changes to the Plan and shall submit to the Director a written certification that the requested changes have been made. Unless otherwise provided by the Director, the permittee shall have thirty (30) days after such notification to make the necessary changes.
- D. The permittee shall immediately amend the Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the State; a release of reportable quantities of hazardous substances and oil; or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Changes must be noted and then submitted to this department. Amendments to the Plan may be reviewed by DEM in the same manner as Part III.C. of this permit.
- E. The SWPPP shall include, at a minimum, the following items:
 - 1. Description of Potential Pollutant Sources. Each plan must provide a description of potential sources which may be reasonably expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan must identify all activities and significant materials, which may potentially be significant pollutant sources. Each plan shall include:
 - a. A site map indicating: a delineation of the drainage area of each storm water outfall, each existing structural control measure to reduce pollutants in storm water runoff, locations where significant materials are exposed to storm water, locations where significant leaks or spills have occurred, a delineation of all impervious surfaces, all surface water bodies, all separate storm sewers, and the locations of the following activities where such areas are exposed to storm water: fueling stations, vehicle and equipment maintenance and/or cleaning areas, material handling areas, material storage areas, process areas, and waste disposal areas;
 - b. A topographic map extending one-quarter of a mile beyond the property boundaries of the facility;
 - c. An estimate of the overall runoff coefficient for the site, determined by an acceptable method, such as, but not limited to, area weighting;
 - d. A narrative description of significant materials that have been treated, stored, or disposed of in a manner to allow exposure to storm water between the time of three (3) years prior to the issuance of this permit to the present; method of on-site storage or disposal; materials management practices employed to minimize contact of these materials with storm water runoff between the time of three (3) years prior to the issuance of this permit and the present; materials loading and access areas; the location and description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and description of any treatment the storm water receives;
 - e. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at the facility three (3) years prior to the effective date of this permit to the present;
 - f. A list of any pollutants limited in effluent guidelines to which a facility is

subject under 40 CFR Subchapter N, any pollutants listed on a RIPDES permit to discharge process water, and any information required under RIPDES Rule 11.02(a)(14)(iii)-(v) or 40 CFR 122.21(g)(iii)-(v);

- g. For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow and an estimate of the types of pollutants, which are likely to be present in storm water associated with industrial activity;
 - h. A summary of existing sampling data describing pollutants in storm water discharges from the facility; and
 - i. A list of any allowable non-storm water discharges, as described in Part I.B.2. of this permit, except discharges from fire fighting activities, that are known or are reasonably expected to be present at the site.
2. Storm Water Management Controls. Each facility covered by this permit must develop a description of storm water management controls appropriate for the facility and implement such controls. The appropriateness for implementing controls listed in the Plan must reflect identified potential sources of pollutants at the facility. The description of storm water management controls must address the following minimum components, including a schedule for implementing such controls:
- a. *Pollution Prevention Team.* Each plan must identify a specific individual(s) within the facility organization as members of a team that are responsible for developing the Plan and assisting the plant manager in its implementation, maintenance, and revision. The Plan must clearly identify the responsibilities of each team member. The activities and responsibilities of the team must address all aspects of facility's Plan.
 - b. *Risk Identification and Assessment/Material Inventory.* The SWPPP must assess the potential of various sources at the plant to contribute pollutants to storm water discharge associated with the industrial activity. The Plan must include an inventory of the types of materials handled. Facilities subject to SARA Title III, Section 313, shall include in the Plan a description of the releases to land or water of SARA Title III, Section 313 "water priority chemicals" that have occurred at any time after the date of three years prior to the date of the issuance of this permit. Each of the following must be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations, outdoor manufacturing or processing activities, significant dust or particulate generating processes, and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water, and the history of significant leaks or spills of toxic or hazardous pollutants.
 - c. *Preventative Maintenance.* A preventative maintenance program must involve inspection and maintenance of storm water management devices (i.e. oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdown or failures resulting in discharges of pollutants to surface waters.
 - d. *Good Housekeeping.* Good housekeeping requires the maintenance of a clean, orderly facility.
 - e. *Spill Prevention and Response Procedure.* Areas where potential spills can

occur, and their accompanying drainage points, must be identified clearly in the SWPPP. The potential for spills to enter the storm water drainage system must be eliminated wherever feasible. Where appropriate, specific material handling procedures, storage requirements, and procedures for cleaning up spills must be identified in the Plan and made available to the appropriate personnel. The necessary equipment to implement a clean up must also be made available to personnel. In accordance with Part V.I., the permittee shall immediately notify the Office of releases in excess of reportable quantities.

- f. *Storm Water Management.* The Plan must contain a narrative consideration of the appropriateness of traditional storm water management practices. Based on an assessment of the potential of various sources at the plant to contribute pollutants to storm water discharges associated with industrial activity (see Part IV.E.2.b of this permit), the Plan must provide that measures, determined to be reasonable and appropriate, must be implemented and maintained.
 - g. *Sediment and Erosion Prevention.* The Plan must identify areas which; due to topography, activities, or other factors; have a high potential for significant soil erosion and identify measures to limit erosion.
 - h. *Employee Training.* Employee training programs must inform personnel responsible for implementing activities identified in the Plan, or otherwise responsible for storm water management at all levels, of the components and goals of the Plan. Training should address topics such as spill response, good housekeeping, and material management practices. The Plan must identify periodic dates for such training.
 - i. *Visual Inspections.* Qualified plant personnel must be identified to inspect designated equipment and plant areas. Material handling areas must be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow up procedure must be used to ensure that the appropriate action has been taken in response to the inspection. Records of inspections must be maintained on site for at least five (5) years.
 - j. *Recordkeeping and Internal Reporting Procedures.* Incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges must be included in the records. All inspections and maintenance activities must be documented and maintained on site for at least five (5) years.
 - k. *Non-storm Water Discharge.* A certification that the discharge has been tested for the presence of non-storm water discharges. The certification must include a description of the results of any test for the presence of non-storm water discharges, the method used, the date of any testing, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible, if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the SWPPP must indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water discharges.
3. Site Inspection. An annual site inspection must be conducted by appropriate personnel named in the SWPPP to verify that the description of potential pollutant sources required under Part IV.E.1. is accurate, that the drainage map has been updated or otherwise modified to reflect current conditions, and controls to reduce pollutants in storm water discharges associated with industrial activity identified in the Plan are

being implemented and are adequate. A tracking or follow up procedure must be used to ensure that the appropriate action has been taken in response to the inspection. Records documenting significant observations made during the site inspection must be retained as part of the SWPPP for a minimum of five (5) years.

4. Additional Requirements for Salt Storage Piles. Storage piles of salt used for deicing or other commercial or industrial purpose and which generate a storm water discharge associated with industrial activity must be enclosed to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile.
5. Additional Requirements for SARA Title III Facilities. Facilities, which are subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) for "Section 313 water priority chemicals", must in addition to all the requirements under this part, follow all the appropriate conditions under EPCRA and CERCLA requirements and regulations.
6. Consistency with Other Plans. Storm water management controls may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by a RIPDES permit and may incorporate any part of such plans into the SWPPP by reference.

V. GENERAL REQUIREMENTS

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws and the CWA and is grounds for enforcement action which may include permit termination, revocation and reissuance, modification, or for the denial of a permit renewal application and the imposition of penalties.
 1. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate this requirement.
 2. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA or any permit condition or limitation implementing any such sections in a permit issued under Section 402 of the CWA. Any person who violates any condition of this permit is subject to a civil penalty of up to \$25,000 per day of such violation, as well as any other appropriate sanctions provided by Section 309 of the CWA. Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of up to \$10,000 or by imprisonment of not more than two (2) years, or by both.
 3. Chapter 46-12 of the Rhode Island General Laws provides that any person who violates a permit condition is subject to a civil penalty of not more than \$25,000 per day of such violation. Any person who willfully or negligently violates a permit condition is subject to a criminal penalty of not more than \$25,000 per day of such violation and imprisonment for not more than five (5) years, or both. Any person who knowingly makes any false statement in connection with the permit is subject to a criminal penalty of not more than \$5,000 for each instance of violation or by imprisonment for not more than thirty (30) days, or both.
- B. Continuation of the Expired General Permit. Provided the permittee has re-applied in

accordance with paragraph C below, an expired general permit continues in force and effect until a new general permit is issued. Only those facilities previously authorized to discharge under the expired permit are covered by the continued permit.

- C. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain coverage under a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director.
- D. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- E. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- F. Duty to Provide Information. The permittee shall furnish to the Department, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall furnish to the Director any copies that are required to be kept as part of this permit.
- G. Signatory Requirements. All Notices of Intent, Storm Water Pollution Prevention Plans, reports, certifications or information either submitted to the Director, or that this permit requires to be maintained by the permittee, shall be signed and certified in accordance with Rule 12 of the RIPDES regulations. Rhode Island General Laws, Chapter 46-12 provides that any person who knowingly makes an false statements, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of up to \$5,000 per violation, or by imprisonment for not more than thirty (30) days per violation, or by both.
- H. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA.
- I. Release in Excess of Reportable Quantities. If a release in excess of reportable quantities occurs, the permittee must notify the Office of Water Resources immediately. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances in the storm water discharge(s) from a facility shall be minimized in accordance with the applicable storm water pollution prevention plan for the facility, and in no case, during any 24-hour period, shall the discharge(s) contain a hazardous substance equal to or in excess of reportable quantities.
- J. Property Rights. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.
- K. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- L. Transfers. This permit is not transferable to any person except after notice to the Director.

The Director may require the operator to apply for and obtain an individual RIDES permit as stated in Part V.T. of this permit.

M. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

N. Proper Operations and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operations of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

O. Monitoring and Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.
2. The permittee shall retain records of all monitoring including all calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five (5) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
4. Monitoring must be conducted according to test procedures approved under 40 CFR 136 and applicable Rhode Island regulations, unless other test procedures have been specified in this permit.
5. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall upon conviction, be punished by a fine of up to \$10,000 per violation or by imprisonment for not more than six months per violation, or by both. Chapter 46-12 of the Rhode Island General Laws also provides that such acts are subject to a fine of up to \$5,000 per violation, or by imprisonment for not more than thirty (30) days per violation, or by both.
6. Monitoring results must be reported on a Discharge Monitoring Report (DMR).
7. If the permittee monitors any pollutants more frequently than required by this permit, using test procedures approved under 40 CFR 136, applicable State regulations, or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

P. Bypass of Storm Water Control Facilities

1. *Anticipated Bypass.* If the permittee knows in advance of the need for a bypass, he or she shall notify this Department in writing at least ten days prior to the date of the bypass. Such notice shall include the anticipated quantity and the anticipated effect of the bypass.
2. *Unanticipated Bypass.* The permittee shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within twenty-four hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee became aware of the bypass. The written submission shall contain a description of the bypass and its cause; the period of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.
3. *Prohibition of Bypass.*
 - a. Bypass is prohibited and enforcement action against the permittee may be taken for the bypass unless:
 - i. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - ii. There was no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgement, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - iii. The permittee submitted notices as required in paragraphs V.P.1. and V.P.2. above.
 - b. The Director may approve an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions of paragraph P.3.a, above.

Q. Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit limitations if the requirements of Part V.Q.2. below are met. No determination made during administrative review of claims that non-compliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. A permittee who wishes to establish an affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
 - a. An upset occurred and the permittee can identify the specific causes(s) of the upset;
 - b. The permittee facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Rule 14.08 of the RIPDES Regulations; and
 - d. The permittee complied with any remedial measures required under Rule 14.05 of the RIPDES Regulations.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
- R. Inspection and Entry. The permittee shall allow the Director or an authorized representative of DEM, upon presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
 2. Have access to and copy at reasonable times; any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment, or operations regulated or required under this permit; and
 4. Sample or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or Rhode Island General Law.
- S. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to: violation of any terms or conditions of this permit; obtaining the permit by misrepresentation or failure to disclose all relevant facts; or a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- T. Requiring an Individual Permit or an Alternative General Permit
1. The Director of the Department of Environmental Management (DEM) may require any owner or operator authorized to discharge storm water under this permit to apply for and obtain either an individual or an alternative RIPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may determine at his or her own discretion that an individual or an alternative general permit is required.
 2. Any owner or operator authorized to discharge storm water by this permit may request to be excluded from coverage of this permit by applying for an individual permit or participating in an applicable group permit. The owner or operator shall submit an individual application (Form 1 and Form 2F) with reasons supporting the request, or participate in a group application in accordance with the requirements of 40 CFR 122.26, to the Director. The request may be granted by issuance of an individual permit or an alternative general permit, if the reasons cited by the owner or operator are adequate to support the request. The Director shall notify the permittee within a timely fashion as to whether or not the request has been granted.
 3. If a facility requests or is required to obtain coverage under an individual or an alternative general permit, then authorization to discharge storm water under this permit shall automatically be terminated on the date of issuance of the individual or the alternative general permit. Until such time as an alternative permit is issued, the existing general permit remains fully in force.
- U. Reopener Clause. The Director reserves the right to make appropriate revisions to this permit in order to incorporate any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the CWA or State Law. In accordance with Rule 15 and 23 of the RIPDES Regulations, if any effluent standard or prohibition, or water quality standard is promulgated under the CWA or under State Law which is more stringent than any limitation on the pollutants limited in this permit, or controls pollutants not limited in the permit; then the Director may promptly reopen the permit and modify or revoke and reissue the permit to conform to the applicable standard.

- V. Availability of Reports. Except for data determined to be confidential under Part V.W. below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the DEM at 235 Promenade Street, Providence Rhode Island. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and under section 46-12-14 of the Rhode Island General Laws.
- W. Confidentiality of Information
1. Any information submitted to DEM pursuant to these regulations may be claimed as confidential by the submitter, consistent with Rhode Island General Law 38-2-2. Any such claim must be asserted at the time of the submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, DEM may make the information available to the public without further notice.
 2. Claims of confidentiality for the following information will be denied:
 - a. The name and address of any permit application or permittee;
 - b. Permit applications, permits and any attachments thereto; and
 - c. RIPDES effluent data.
- X. Right to Appeal. Within thirty (30) days of receipt of notice of final authorization, the permittee or any interested person may submit a request to the Director for an adjudicatory hearing to appeal the decision to be covered under the general permit. The request for a hearing must conform to the requirements of Rule 49 of the RIPDES Regulations.